UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,779	10/27/2000	Peter Michael Gits	2705-137	7155

20575	7590	05/03/2005

MARGER JOHNSON & MCCOLLOM, P.C.
1030 SW MORRISON STREET
PORTLAND, OR 97205

EXAMINER
BATES, KEVIN T

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/698,779	GITS ET AL.
	Examiner	Art Unit	
	Kevin Bates	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _19 November 2004_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-44_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-44_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _12-20-04, 2/7, 4/11_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Response to Amendment

This Office Action is in response to a communication made on November 19,

2004.

The Change of Address was received on December 27, 2004.

The Information Disclosure Statements were received on December 20, 2004,

February 7, 2005, and April 11, 2005.

Claims 1-44 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 11, 13-20, 22, 23-29, 31-38, and 40-43 are rejected under 35

U.S.C. 103(a) as being unpatentable over Jones (5742763) in view of Wolff

(5327486).

Regarding claims 1 and 40, Jones discloses a message-processing agent

operable in a Scalable Infrastructure system (Column 9, lines 16 – 21) further including

a Community Service (Column 6, lines 20 – 32), the Community Service capable of

cloning the message-processing agent, the message-processing agent comprising: a

receiver designed to receive an object from a persistent store called a Space, the Space

part of the Scalable Infrastructure system (Column 3, lines 27 – 35); a default routing

identifying a destination for the object (Column 4, lines 48 – 64); a wrapper (Column 8, lines 41 – 46), and a routing module designed to route the object to the destination (Column 9, lines 45 – 48), but Jones does not explicitly indicate a remover designed to remove a wrapper from the object; a wrapper adder designed to add a new wrapper to the object. Wolff teaches a messaging system, which includes a personal preferences setting (Column 3, lines 51 – 55) that indicates a second destination for the object (Column 3, lines 64 – 66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wolff's teaching of using a personal profile to change the destination in Jones' messaging system which would also force the system to re-wrap the message object in a new envelope for the new destination in order to help notification messages locate the individual they are destined for and to allow the user to deal with the message appropriately (Column 2, lines 15 – 21 and Column 1, lines 47 – 55).

Regarding claims 2 and 41, Jones in combination with Wolff discloses a user includes a personal preferences setting (Wolff, Column 3, lines 51 – 55) that indicates a second destination for the object (Wolff, Column 3, lines 64 – 66).

Regarding claim 3, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the second destination can be identical to the destination because if the caller is always attempting to get to the telephone of the user and the first destination after consulting the user's preferences is usually the normal wireline phone (Column 3, lines 61 – 68).

Regarding claim 4, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the second destination can be different from the destination (Column 3, lines 64 – 66).

Regarding claims 5 and 42, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the user preference setting includes a plurality of distinct destinations for the object (Column 4, line 54 – Column 5, line 6).

Regarding claim 6, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the message-processing agent is designed to route the object sequentially to each distinct destination for the object until the object is received at a first destination (Column 2, lines 5 – 14).

Regarding claims 7 and 43, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the message-processing agent is designed to place a second object in the space for a sequence agent to sequentially route the object to each distinct destination for the object until the object is received at the first destination (Column 2, lines 5 – 14).

Regarding claim 10, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the second destination includes routing instructions based on the source of the object (Column 2, lines 6 – 9).

Regarding claim 11, as part of Jones' messaging system combined with Wolff's teaching, Wolff discloses that the first destination includes a telephone (Column 3, line 66 – 68).

Regarding claim 12, Jones discloses that the message-processing agent further

comprising a registration entry for a user (Column 5, lines 25 – 30; Column 7, lines 41 –

47).

Regarding claims 13, 22, and 31, Jones discloses a message-processing agent

operable in a Scalable Infrastructure system (Column 9, lines 16 – 21) further including

a Community Service (Column 6, lines 20 – 32), the Community Service capable of

cloning the message-processing agent, the message-processing agent comprising: a

receiver designed to receive an object from a persistent store called a Space, the Space

part of the Scalable Infrastructure system (Column 3, lines 27 – 35); a default routing

identifying a destination for the object (Column 4, lines 48 – 64); a wrapper (Column 8,

lines 41 – 46), and a routing module designed to route the object to the destination

(Column 9, lines 45 – 48), but Jones does not explicitly indicate a remover designed to

remove a wrapper from the object; a wrapper adder designed to add a new wrapper to

the object and routing the object by the Smart Secretary according to the preference

setting (Wolff, Column 3, lines 64 – 66). Wolff teaches a messaging system, which

includes a personal preferences setting (Column 3, lines 51 – 55) that indicates a

second destination for the object (Column 3, lines 64 – 66) and routing the object by the

Smart Secretary according to the preference setting (Column 3, lines 64 – 66). It would

have been obvious to one of ordinary skill in the art at the time the invention was made

to use Wolff's teaching of using a personal profile to change the destination in Jones'

messaging system which would also force the system to re-wrap the message object in

a new envelope for the new destination in order to help notification messages locate the

individual they are destined for and to allow the user to deal with the message appropriately (Column 2, lines 15 – 21 and Column 1, lines 47 – 55).

Regarding claims 14, 23, and 32, as part of Jones' messaging system combined with Wolff's teaching, Jones discloses retrieving an object includes receiving notice of the object from the Space in the Scalable Infrastructure system (Column 3, lines 28 – 34).

Regarding claims 15, 24, and 33, as part of Jones' messaging system combined with Wolff's teaching, Jones discloses that accessing a preference setting includes selecting a preference setting according to an ultimate recipient of the object (Column 6, lines 43 – 57).

Regarding claims 16, 25, and 34, as part of Jones' messaging system combined with Wolff's teaching, Jones discloses that selecting a preference setting includes selecting a user preference setting according to the ultimate recipient if the user preference setting exists (Column 6, lines 50 – 57).

Regarding claims 17, 26, and 35, as part of Jones' messaging system combined with Wolff's teaching, Jones discloses that selecting a user preference setting includes checking to see if the ultimate recipient of the object is registered with the Scalable Infrastructure system (Column 7, lines 11 – 30).

Regarding claims 18, 27, and 36, as part of Jones' messaging system combined with Wolff's teaching, Jones' discloses that selecting a preference setting includes selecting a default routing according to the ultimate recipient if no user preference setting exists (Jones, Column 8, lines 61 – 63).

Regarding claim 19, 28, and 37, as part of Jones' messaging system combined with Wolff's teaching, Jones discloses that routing the object includes sending the object to a destination (Column 6, lines 43 – 49).

Regarding claims 20, 29, and 38, as part of Jones' messaging system combined with Wolff's teaching, Jones in view of Wolff discloses that routing the object includes: determining at least two destinations for the object (Column 2, lines 10 – 11, Wolff); and placing a sequence object in the Space in the Scalable Infrastructure system (Column 3, lines 27 – 35, Jones) for a sequence agent to sequentially route the object to each destination for the object until the object is received (Column 2, lines 5 – 14, Wolff).

Claims 8, 9, 21, 30, 39, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Wolff as applied to claims 2-7, 11, 13-20, 22, 23-29, 31-38, and 41-43 above, and further in view of Wagner (6,092,102).

Regarding claims 8 and 44, Jones in view of Wolff does not explicitly mention that the message-processing agent is designed to broadcast the object to each distinct destination for the object until the object is received at a first destination. Wagner teaches a messaging system and a message-processing agent (Column 6, lines 10 – 15) that designed to broadcast the object to each distinct destination (Column 6, lines 39 – 47) for the object until the object is received at a first destination (Column 14, lines 39 – 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wagner's teaching of message broadcasting on Jones' messaging system to be able to notify a user at important event across many communication mediums (Column 3, lines 32 – 35).

Regarding claim 9, Jones in view of Wolff in further view of Wagner includes the

message-processing agent is designed to place a second object (Column 4, line 1 – 5,

Wagner) in the Space (Column 3, lines 27 – 35, Jones) for a broadcast agent to

broadcast the object to each distinct destination for the object (Column 6, lines 39 – 47,

Wagner) until the object is received at the first destination (Column 3, lines 32 – 35,

Wagner).

Regarding claims 21, 30, and 39, Jones in view of Wolff in further view of

Wagner includes: determining at least two destinations for the object (Column 2, lines

10 – 11, Wolff); and placing a broadcast object in the Space (Column 3, lines 27 – 35,

Jones) in the Scalable Infrastructure system for a broadcast agent to broadcast the

object to each destination for the object (Column 6, lines 39 – 47, Wagner) until the

object is received (Column 3, lines 32 – 35, Wagner).

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are

moot in view of the new ground(s) of rejection.

In response to applicant's arguments, the recitation "further including a

Community Service, the Community Service capable of cloning the message-

processing agent" has not been given patentable weight because the recitation occurs

in the preamble. A preamble is generally not accorded any patentable weight where it

merely recites the purpose of a process or the intended use of a structure, and where

the body of the claim does not depend on the preamble for completeness but, instead,

the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535

F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88

USPQ 478, 481 (CCPA 1951).

Prior Art

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U. S. Patent No. 6643650 issued to Slaughter, because it discloses using space

to transmit objects and messages in a network.

U. S. Patent No. 6425005 issued to Dogan, because it discloses cloning agents

in a network messaging system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

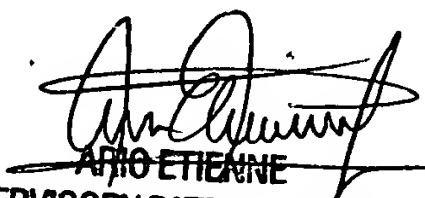than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB
April 27, 2005

AMO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100